

<b>PLANNING COMMISSION MINUTES OF NOVEMBER 28, 2005</b>
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**2005-0641 – Cingular Wireless** [Applicant] **Fairbrae Swim Club** [Owner]: Application for related proposals on a 1.06-acre site located at **696 Sheraton Drive** (near Hollenbeck Ave) in an R-1 (Low-Density Residential) Zoning District. (Negative Declaration) (APN: 202-09-020) AM; **(Continued from November 14, 2005)**

- **Use Permit** to allow a new 62-foot tree-pole with six panel antennas and related ground equipment, and
- **Variance** from SMC Section 19.54.040(p) to allow an 87-foot setback from the residential properties across Sheraton Drive where 124 feet is required.

**Comm. Moylan** recused himself due to a conflict of interest, as he is a member of the Fairbrae Swim Club.

**Andy Miner**, Principal Planner, presented the staff report. He provided a correction to the title shown on the agenda. He said that the title listed on the agenda is the original title, but due to revisions to the application the new title is as follows:

**“2005-0641 – Cingular Wireless** [Applicant] **Fairbrae Swim Club** [Owner]: Application for a Use Permit to allow a new 52-foot high pole with six panel antennas and associated ground equipment on a 1.06-acre site located at the Fairbrae Swim and Tennis Club at **696 Sheraton Drive** (near Hollenbeck Avenue) in an R-1 (Low-Density Residential) Zoning District.”

**Mr. Miner** noted the title change was correctly reflected in the noticing of this project and in the report. Staff is recommending Alternative 1, to adopt the Negative Declaration and approve the Use Permit with attached conditions. He noted staff did not redo the Negative Declaration with the revised project as the revised project was less intense than the original project. He provided a correction to Condition of Approval (COA) 1.M. replacing the wording “Carlisle Way” with “Sheraton Drive.”

**Vice Chair Fussell** referred to page 6 of the report and page 2 of Attachment B of the report that indicate that the noise levels of the ground equipment cannot exceed 50 decibels (dB) and 60 dB, respectively. Mr. Miner clarified the Sunnyvale Municipal Code (SMC) says that the noise levels cannot exceed 50 dB at night and 60 dB during the day.

**Comm. Klein** referred to the Negative Declaration, Attachment C, page 9, section 7.D. regarding noise and noted that the question was left unanswered. Mr. Miner clarified that 7.D. should have been checked “No Impact” explaining

that staff feels that the noise of the ground equipment should have no impact as the equipment noise levels are required to meet the City code requirements.

**Comm. Sulser** referred to page 3 of the report and asked how the Lot Coverage and the Gross Floor Area could be changing. Mr. Miner said the solar panels are being removed which changes the results in a reduction in building lot coverage.

**Chair Hungerford** said the Fairbrae Swim Club is a membership club and asked staff if they knew what process the Club went through to approve the cell tower on their property. Mr. Miner said he would defer this question to the applicant.

**Mr. Miner** commented that an updated wireless telecommunications facility map has been posted on the Council Chambers wall for the Commissions' viewing. The map shows how many carriers are located at each facility.

**Comm. Simons** asked if there is a reference in the report that indicates how many additional carriers could be added to this site. Mr. Miner said if another carrier wanted to add their antennas they would have to go to a similar difficult process to be added. He said there is enough room for an additional equipment shelter, but there may be limitations to the height available on the proposed pole. Comm. Simons said he recalls the Elks Club adding additional height to the pole on their property. Mr. Miner said for the proposed site, any additional height added to the pole would require a variance, but it might be possible to add one antenna array below.

**Chair Hungerford opened the public hearing.**

**Kelly Pepper**, representative for Cingular Wireless, said that Cingular Wireless currently has very poor coverage in this residential area. She said that when Cingular discovered there was a need for improvement in this area they began to search for a possible location. Cingular's engineers determined that a good location for a telecommunications facility would be at corner of West Remington Drive and Hollenbeck Avenue. Due to the residential nature of the corner, Cingular chose to go one block to the south to Sheraton Drive and propose a facility at the Fairbrae Swim Club as it is one of the only non-residential properties in the area. This site should be visually unobtrusive, and is designed to at the lowest possible height meeting the setbacks from residential properties and still providing the Cingular coverage. The existing light pole is proposed to be replaced with a new light pole and will house six antennas. A community meeting was held at the site on September 19, 2005 and 13 neighbors, members and staff attended. She said the facility will operate well below the Federal Communications Commission's (FCC) limits and Cingular will provide before and after measurements as conditioned by staff to demonstrate this compliance. She said there is a representative from the company that prepared the FCC compliance report and one of Cingular's radio frequency engineers, available tonight for any technical questions.

**Vice Chair Fussell** asked how it was determined that there was a coverage hole in this area as there are letters in the report from residents in the area that say that the coverage is pretty good. Ms. Pepper referred to Attachment J, the Radio Frequency (RF) Coverage Maps, and explained the color maps showing the good, moderate and poor coverage in the area of the proposed site. She said it is possible for one neighbor to have good coverage and another neighbor, just a couple houses away, to have poor coverage.

**Comm. Simons** asked if Cingular had better coverage before their merger with AT&T Wireless. Ms. Pepper said when Cingular acquired AT&T they took AT&T's sites and Cingular's existing network in California was sold to T-Mobile. She said this site is to provide coverage to the Cingular customers who are on the former AT&T network.

**Chair Hungerford** asked Ms. Pepper if she knew the process that the swim club went through to approve this. Ms. Pepper said she was not sure of their internal process, but that some of the Club members were present at the community meeting on September 19, 2005.

**Dick Pretel**, a Sunnyvale resident and neighbor of the proposed site, spoke against the project. He said this proposal visually impacts him as the proposed pole will be seen from his front yard and dining room. He feels this addition will affect his property values. He said he has not seen any long-term study on the effects of the EMF (electromagnetic field) emissions from these sites. He said that Verizon and SBC both have good coverage in this area and he would propose customers change carriers rather than put in another cellular site. He said he hopes the Commission sees this his way. Mr. Pretel asked if there have been any other sites set up similar to Fairbrae on private property in Sunnyvale. Mr. Miner said that most of the cellular sites in Sunnyvale are on private property.

**Comm. Simons** asked staff if the Commission gets to review health safety issues. **Rebecca Moon**, Assistant City Attorney, said that the federal law has preempted local jurisdictions from regulating cell towers on health and safety reasons as the federal government sets standards for emissions for health safety. She said the Planning Commission is limited to zoning and aesthetic standards and said that zoning refers to the appropriate uses in certain areas of the City. Mr. Miner confirmed that staff looks at the locations relative to other uses and also the visual aspects.

**Nick Steinmeier**, the Fairbrae Swim Club Board president, spoke in favor of the project. He said the Board has a monthly meeting and it is noticed about 10 days prior to the meeting. He said that members came in and spoke about the project and no one spoke against it. He said everyone in attendance was interested in pursuing this opportunity and that he does not think it will affect aesthetics. He

said he has Cingular coverage and does not want to change his carrier and encouraged the Commission to support this proposal.

**Comm. Sulser** asked why the Swim Club is removing the solar panels. Mr. Steinmeier said they no longer work and the Club is looking into putting in a more "green" alternative.

**Sandra Spires**, a Sunnyvale resident, neighbor and member, spoke in favor of the project. She said it will benefit the neighborhood and will improve the property values. She said the Club provides other community benefits, free of charge, to a lot of teams and groups that use the facilities for meetings. She said if the Club is improved by the revenue from the site, then it also improves the neighborhood.

**Delores Dunlap**, a Sunnyvale resident, neighbor and member, spoke in favor of the project. She said she does not feel it will intrude on the neighborhood and that all the members are in favor of the proposal.

**Sarah Chang**, a Sunnyvale resident, neighbor and member, spoke in favor of the project. She said she currently has Cingular and hopefully her service will be positively impacted. She said as a member of Fairbrae, she thinks it will be a positive addition. She said that Fairbrae contributes to the neighborhood even though it is a membership club.

**Ms. Pepper** said there are several people available for any questions.

**Mr. Miner** reiterated that **COA 1.M. should be changed from Carlisle Way to Sheraton Drive.** He clarified, based on Vice Chair Fussell's concern with decibels, that **the last sentence of COA 1.O. should read, "At no time shall equipment noise from any source exceed an exterior noise level of 50 dB at nighttime and 60 dB in the daytime at the property line."**

**Chair Hungerford** closed the public hearing.

**Comm. Babcock** moved for **Alternative 1, to adopt the Negative Declaration and approve the Use Permit with attached conditions including the corrections and clarifications made by staff. Vice Chair Fussell seconded.**

**Comm. Babcock** said that the staff report was very thorough and feels this is an appropriate site that will provide good coverage.

**Vice Chair Fussell** said that it appears that Cingular Wireless and the Fairbrae Swim Club have worked together to find the best solution for this antenna and have provided opportunity for the public to give input. He said the location is good and that it is a good use for removing the light pole. He will support the motion.

**Comm. Simons** said he will not be supporting the motion. He said for six years he has been reviewing cell phone towers in the City. It is important to him to improve the look and to set standards regarding the towers, but he has been unable to influence the standards being set. He said aesthetically he cannot support an open antenna design. He said the findings in cell phone tower projects used to require, "The location of telecommunication facilities be designed with a sensitivity to the surrounding areas and the proposed facility makes use of existing towers and is not viewed from visibly sensitive areas." He said over the years the cell phone tower findings have changed and do not include this language which he still takes very seriously. He does not see this as a desirable addition and multiple antennas may be added that may detract from the look of the tower. He recommends that City-wide design guidelines for cell phone tower aesthetics be set to provide consistency and process, so that the Planning Commission does not have to continually review the look and feel of the cell phone tower facilities.

**Final Action:**

**Comm. Babcock made a motion on 2005-0641 to adopt the Negative Declaration and approve the Use Permit with modified Conditions as provided by staff; to change COA 1.M. from Carlisle Way to Sheraton Drive; to modify the last sentence of COA 1.O. to read, "At no time shall equipment noise from any source exceed an exterior noise level of 50 decibels at nighttime and 60 decibels in the daytime at the property line." Vice Chair Fussell seconded.**

**Motion carried 5-1, Comm. Simons dissenting, Comm. Moylan recused himself.**

**This item is appealable to City Council no later than December 13, 2005.**